


ESTTA Tracking number: **ESTTA389471**

Filing date: **01/21/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91198265
Party	Plaintiff Weber-Stephen Products Co.
Correspondence Address	Paula Jill Krasny Baker & McKenzie LLP 130 E, Randolph DriveOne Prudential Plaza Chicago, IL 60601 UNITED STATES paula.krasny@bakermckenzie.com
Submission	Other Motions/Papers
Filer's Name	Paula Jill Krasny
Filer's e-mail	paula.krasny@bakermckenzie.com
Signature	/Paula Jill Krasny/
Date	01/21/2011
Attachments	motion to change name.pdf ( 12 pages )(530736 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Applicant:	Sunday Rocks LLC	)	
		)	
Serial No.:	77/811726	)	Opposition No. 91198265
		)	
Filing Date:	August 24, 2009	)	
		)	
Mark:	SUNDAY ROCKS (and design)	)	
		)	
		)	
		)	
	_____ Weber-Stephens Products Co.,	)	
		)	
	Opposer,	)	
		)	
	v.	)	
		)	
	Sunday Rocks LLC	)	
		)	
	Applicant.	)	

**MOTION TO CHANGE NAME OF PARTIES**

In support of its Motion to Change Name of Parties, pursuant to 37 C.F.R §2.127 and TBMP § 512.02, Applicant hereby states as follows:

1. Opposer Weber-Stephens Products Co., an Illinois company, originally owned various trademarks associated with its Weber® barbecue grill business, including but not limited to, Registration Nos. 3834455 and 2540281 (the “**Weber Marks**”).
2. On December 17, 2010, Weber-Stephen Products Co. assigned its rights in and to the Weber Marks and other marks to Weber-Stephens Products LLC (“**Weber LLC**”). Exhibit A to this Motion contains the Trade Assignment Abstract of Title for each Weber Mark and the Trademark Assignment Assignee Details from the USPTO Assignment Database documenting the recordation of the assignment.

3. The assignment of the Weber Marks from Weber-Stephens Products Co. to Weber LLC occurred *after* the Board granted, on November 11, 2010, an extension of time to file a notice of opposition up until January 23, 2011.

4. Because Weber LLC is now the owner of the Weber Marks on which the subject opposition is based, Opposer respectfully requests that the Board change the name of Opposer from “Weber-Stephen Products Co.” to “Weber-Stephens Products LLC.”


5. When Opposer filed its request for extension of time to oppose, the TTAB records listed Sunday Rocks LLC, a California limited liability company, as the owner of the mark subject to this opposition, -- *i.e.*, Application No. 77/811726 for SUNDAY ROCKS (and kettle grill design) (the “***Sunday Rocks Mark***”). Exhibit B to this Motion demonstrates that the TTAB's records still list the owner of the Sunday Rocks Mark as Sunday Rocks LLC.

6. The USPTO Assignment records reflect that on June 17, 2010, Sunday Rocks LLC assigned the Sunday Rocks Mark to Angela Locke, an individual. A printout of the Trademark Assignment Abstract of Title for the Sunday Rocks Mark is contained in Exhibit C.

7. Because Sunday Rocks LLC no longer owns the Sunday Rocks Mark, Opposer respectfully requests that the Applicant's name be changed from “Sunday Rocks LLC” to “Angela Locke.”

WHEREFORE, in light of the foregoing facts, Opposer respectfully requests that case caption for this proceeding be changed to from "*Weber-Stephen Products Co. v. Sunday Rocks, LLC*" to "*Weber-Stephen Products LLC v. Angela Locke.*"

Respectfully submitted,



One of the Attorneys for Opposer,  
Weber-Stephens Products Co.

Dated: January 21, 2011

BAKER & MCKENZIE LLP

Paula Jill Krasny

John C. Filosa

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[Paula.Krasny@bakermckenzie.com](mailto:Paula.Krasny@bakermckenzie.com)

[John.Filosa@bakermckenzie.com](mailto:John.Filosa@bakermckenzie.com)

## **CERTIFICATE OF MAILING**

The undersigned certifies that the foregoing Motion to Change Name of Parties is being filed electronically via the Electronic System for the Trademark Trial and Appeals Board (ESSTA), with a copy send by Federal Express to:

John Maltbie, Esq.  
Arnold & Porter LLP  
399 Park Avenue  
New York, NY 10022

and

Filippo Marchino  
Attorney  
The X-Law Group, a Professional Corporation  
633 W. 5th St,  
26th Floor, Suite 2629  
Los Angeles, CA 90071

on this 21st day of January, 2011.



Paula Jill Krasny

# EXHIBIT A



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## Assignments on the Web &gt; Trademark Query

## Trademark Assignment Abstract of Title

## Total Assignments: 1

Serial #: [76245074](#)

Filing Dt: 04/23/2001

Reg #: [2540281](#)

Reg. Dt: 02/19/2002

Registrant: WEBER-STEPHEN PRODUCTS CO.

Mark:

## Assignment: 1

Reel/Frame: [4437/0107](#)

Received: 12/22/2010

Recorded: 12/22/2010

Pages: 51

Conveyance: ASSIGNMENT OF INTELLECTUAL PROPERTY

Assignor: [WEBER-STEPHEN PRODUCTS CO.](#)

Exec Dt: 12/17/2010

Entity Type: CORPORATION

Citizenship: ILLINOIS

Assignee: [WEBER-STEPHEN PRODUCTS LLC, FORMERLY KNOWN AS WSPC ACQUISITION COMPANY, LLC](#)

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

200 EAST DANIELS ROAD  
PALATINE, ILLINOIS 60067Correspondent: LATHAM & WATKINS LLP  
650 TOWN CENTER DRIVE, 20TH FLOOR  
COSTA MESA, CA 92626

Search Results as of: 01/20/2011 04:18 PM  
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Web interface last modified: Apr 30, 2009 v.2.1

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## Assignments on the Web &gt; Trademark Query

## Trademark Assignment Abstract of Title

## Total Assignments: 1

Serial #: 77907082

Filing Dt: 01/07/2010

Reg #: 3834455

Reg. Dt: 08/17/2010

Registrant: Weber-Stephen Products Co.

Mark:

## Assignment: 1

Reel/Frame: 4437/0107

Received: 12/22/2010

Recorded: 12/22/2010

Pages: 51

Conveyance: ASSIGNMENT OF INTELLECTUAL PROPERTY

Assignor: WEBER-STEPHEN PRODUCTS CO.

Exec Dt: 12/17/2010

Entity Type: CORPORATION

Citizenship: ILLINOIS

Assignee: WEBER-STEPHEN PRODUCTS LLC, FORMERLY KNOWN AS WSPC ACQUISITION COMPANY, LLC

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

200 EAST DANIELS ROAD

PALATINE, ILLINOIS 60067

Correspondent: LATHAM &amp; WATKINS LLP

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## Assignments on the Web &gt; Trademark Query

## Trademark Assignment Assignee Details

**Assignee Name : WEBER-STEPHEN PRODUCTS LLC, FORMERLY KNOWN AS WSPC ACQUISITION COMPANY, LLC**
**Total Assignments: 1**
**Assignment: 1**
**Reel/Frame:** [4437/0107](#)
**Pages:** 51

**Received:** 12/22/2010

**Recorded:** 12/22/2010

**Attorney Dkt #:** 046144-0008

**Conveyance:** ASSIGNMENT OF INTELLECTUAL PROPERTY

**Assignor**
**1** [WEBER-STEPHEN PRODUCTS CO.](#)
**Exec Dt:** 12/17/2010

**Entity Type:** CORPORATION

**Citizenship:** ILLINOIS

**Assignee**
**1** [WEBER-STEPHEN PRODUCTS LLC, FORMERLY KNOWN AS WSPC ACQUISITION COMPANY, LLC](#)

 200 EAST DANIELS ROAD  
 PALATINE, ILLINOIS 60067

**Entity Type:** LIMITED LIABILITY COMPANY

**Citizenship:** DELAWARE

**Properties**

Ser. #	Reg. #	Ser. #	Reg. #	Ser. #	Reg. #	Ser. #	Reg. #	Ser. #	Reg. #
<a href="#">72210625</a>	<a href="#">811229</a>	<a href="#">73160716</a>	<a href="#">1104282</a>	<a href="#">73235214</a>	<a href="#">1479505</a>	<a href="#">73236009</a>	<a href="#">1481521</a>	<a href="#">73236085</a>	<a href="#">1478530</a>
<a href="#">73263542</a>	<a href="#">1200332</a>	<a href="#">73298654</a>	<a href="#">1581520</a>	<a href="#">73341772</a>	<a href="#">1229553</a>	<a href="#">73341773</a>	<a href="#">1220753</a>	<a href="#">73450534</a>	<a href="#">1295535</a>
<a href="#">73475554</a>	<a href="#">1355911</a>	<a href="#">73538984</a>	<a href="#">1399307</a>	<a href="#">73606387</a>	<a href="#">1542078</a>	<a href="#">73606388</a>	<a href="#">1468186</a>	<a href="#">73621105</a>	<a href="#">1464197</a>
<a href="#">73624937</a>	<a href="#">1439888</a>	<a href="#">73650318</a>	<a href="#">1457335</a>	<a href="#">73650319</a>	<a href="#">1457336</a>	<a href="#">73652621</a>	<a href="#">1467739</a>	<a href="#">73652625</a>	<a href="#">1466756</a>
<a href="#">73681600</a>	<a href="#">1505723</a>	<a href="#">74028607</a>	<a href="#">1619728</a>	<a href="#">74112835</a>	<a href="#">1660721</a>	<a href="#">74164458</a>	<a href="#">1695949</a>	<a href="#">74233634</a>	<a href="#">1711501</a>
<a href="#">74416173</a>	<a href="#">1906439</a>	<a href="#">75020171</a>	<a href="#">2056902</a>	<a href="#">75027252</a>	<a href="#">2015543</a>	<a href="#">75027257</a>	<a href="#">2008679</a>	<a href="#">75027443</a>	<a href="#">2010190</a>
<a href="#">75027444</a>	<a href="#">2010191</a>	<a href="#">75027447</a>	<a href="#">2012002</a>	<a href="#">75148695</a>	<a href="#">2125120</a>	<a href="#">75201944</a>	<a href="#">2116125</a>	<a href="#">75284722</a>	<a href="#">2227231</a>
<a href="#">75350605</a>	<a href="#">2455656</a>	<a href="#">76194625</a>	<a href="#">2610593</a>	<a href="#">76195362</a>	<a href="#">2593233</a>	<a href="#">76244810</a>	<a href="#">2614725</a>	<a href="#">76244973</a>	<a href="#">2875981</a>
<a href="#">76244974</a>	<a href="#">2904060</a>	<a href="#">76245074</a>	<a href="#">2540281</a>	<a href="#">76245290</a>	<a href="#">2540282</a>	<a href="#">76252167</a>	<a href="#">2534195</a>	<a href="#">76255967</a>	<a href="#">2622214</a>
<a href="#">76261663</a>	<a href="#">2575932</a>	<a href="#">76269557</a>	<a href="#">2809727</a>	<a href="#">76449635</a>	<a href="#">2916597</a>	<a href="#">76449636</a>	<a href="#">3064060</a>	<a href="#">76647135</a>	<a href="#">3128593</a>
<a href="#">77009755</a>	<a href="#">3409764</a>	<a href="#">77196520</a>	<a href="#">3525039</a>	<a href="#">77246258</a>	<a href="#">3452564</a>	<a href="#">77695095</a>	<a href="#">3698276</a>	<a href="#">77844691</a>	<a href="#">3813460</a>
<a href="#">77907082</a>	<a href="#">3834455</a>	<a href="#">78298049</a>	<a href="#">2980803</a>	<a href="#">78772193</a>	<a href="#">3295376</a>				

**Correspondence name and address**

 LATHAM & WATKINS LLP  
 650 TOWN CENTER DRIVE, 20TH FLOOR  
 COSTA MESA, CA 92626

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Navigation: - App dataESTTA v.3.0  
PTO-2153 (Exp. 01/31/2011)  
OMB No. 0651-0040 (Exp. 01/31/2011)**Application data**

<b>Applicant</b>	SUNDAY ROCKS LLC
<b>Application Serial Number</b>	77811726
<b>Filing Date of Application</b>	2009-08-24
<b>Date of Publication</b>	07/27/2010
<b>International Classes</b>	025
<b>Applied-for Mark</b>	SUNDAY ROCKS

There have been one or more extensions of time to oppose filed against the above-referenced application. Please choose from the following list to identify yourself.

	<b>Name</b>	<b>Granted to Date</b>
<input type="radio"/>	Weber-Stephen Products Co.	01/23/2011

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## Trademark Assignment Abstract of Title

## Total Assignments: 2

Serial #: 77811726

Filing Dt: 08/24/2009

Reg #: NONE

Reg. Dt:

Applicant: LAFAYETTE TEXTILES CORP.

Mark: SUNDAY ROCKS

## Assignment: 1

Reel/Frame: 4179/0435

Received: 04/02/2010

Recorded: 04/02/2010

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: LAFAYETTE TEXTILES CORP.

Exec Dt: 09/15/2009

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: CALIFORNIA

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: CALIFORNIA

Assignee: SUNDAY ROCKS LLC

4715 S ALAMEDA ST

LOS ANGELES, CALIFORNIA 90058

Correspondent: LOUIS EDERER, ARNOLD &amp; PORTER LLP

399 PARK AVENUE

NEW YORK, NY 10022

## Assignment: 2

Reel/Frame: 4259/0503

Received: 08/12/2010

Recorded: 08/12/2010

Pages: 5

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: SUNDAY ROCKS, LLC

Exec Dt: 06/17/2010

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: CALIFORNIA

Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Assignee: LOCKE, ANGELA

110 E. 9TH ST., SUITE C1101

LOS ANGELES, CALIFORNIA 90070

Correspondent: LOUIS S. EDERER

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NEW YORK, NY 10022-4690

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